OIPE
DEC 06 2005
PATENT & TRADEMARK OFFICE

12-06-05 AF

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/296,676
Filing Date	April 22, 1999
First Named Inventor	Devon David Cullum
Group Art Unit	2635
Examiner Name	B. Zimmerman
Attorney Docket Number	2269-7035US (96-0783.00/US)

ENCLOSURES *(check all that apply)*

- ☒ Postcard receipt acknowledgment (attached to the front of this transmittal)
- ☒ Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16
- ☐ Preliminary Amendment
- ☐ Response to Restriction Requirement/Election of Species Requirement dated
- ☐ Amendment in response to office action dated
- ☐ Amendment under 37 C.F.R. § 1.116 in response to final office action dated
- ☐ Additional claims fee - Check No. in the amount of $
- ☐ Letter to Chief Draftsman and copy of FIGS. with changes made in red
- ☐ Transmittal of Formal Drawings
- ☐ Formal Drawings (' sheets)
- ☐ Information Disclosure Statement, PTO/SB/08A (08-00); ☐ copy of cited references
- ☐ Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of $180.00
- ☐ Associate Power of Attorney
- ☐ Petition for Extension of Time and Check No. in the amount of $
- ☒ Brief on Appeal and Check No. 8791 in the Amount of $500.00
- ☐ Fee Transmittal Form
- ☐ Certified Copy of Priority Document(s)
- ☐ Assignment Papers *(for an Application)*
- ☐ Terminal Disclaimer
- ☐ Terminal Disclaimer
- ☐ Terminal Disclaimer
- ☐ Other Enclosure(s) *(please identify below)*:

Remarks

The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	Kevin K. Johanson Registration No. 38,506
Signature	
Date	December 5, 2005

CERTIFICATE OF MAILING

Express Mail Label Number: EL995991719US

Date of Deposit: December 5, 2005

Person Making Deposit: Timothy Palfreyman

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Devon David Cullum

Serial No.: 09/296,676

Filed: April 22, 1999

For: ANTI-THEFT SYSTEM AND APPARATUS AND METHOD FOR SELECTIVELY DISABLING/ENABLING ELECTRICAL APPARATUS

Confirmation No.: 8733

Examiner: B. Zimmerman

Group Art Unit: 2635

Attorney Docket No.: 2269-7035US
(96-0783.00/US)

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL995991719US

Date of Deposit with USPS: December 5, 2005

Person making Deposit: Timothy Palfreyman

BRIEF ON APPEAL

Mail Stop Appeal-Brief-Patent
Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

Sirs:

This brief is submitted pursuant to 37 C.F.R.§ 41.37 and in the format required by 37 C.F.R. § 41.37(c) and with the fee required by 37 C.F.R. § 41.20(b)(2):

12/06/2005 ZJUHAR1 00000104 09296676 500.00 OP
01 FC:1402

(1) REAL PARTY IN INTEREST

The real party in interest in the present pending appeal is Micron Technology, Inc. via a merger as recorded at Reel 010404, Frame 0170 from Micron Communications, Inc., the original assignee of the pending application as recorded at Reel 9919, Frame 0359 with the United States Patent and Trademark Office.

(2) RELATED APPEALS AND INTERFERENCES

Neither Appellant, Appellant's representative, nor Assignee is aware of any pending appeal or interference which would directly affect, be directly affected by, or have any bearing on the Board's decision in the present pending appeal.

(3) STATUS OF CLAIMS

Claims 2 through 5, 7 through 25, 35 and 36 are pending in the application.

Claims 1, 6, and 26-34 were previously cancelled.

No claims were previously withdrawn.

Claims 2 through 5, 7 through 25, 35 and 36 stand rejected.

No claims are allowed.

The rejections of claims 2 through 5, 7 through 25, 35 and 36 are being appealed.

(4) STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Final Office Action mailed on July 11, 2005. On August 2, 2005, an amendment was filed under 37 C.F.R. § 1.116 in response to the Examiner's remarks in the Final Office Action of September 6, 2005. No amendments to the claims were proposed in the Remarks. An Advisory Action mailed on September 26, 2005 found the arguments unpersuasive and maintained the rejection of claims 2 through 5, 7 through 25, 35 and 36.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The invention presently claimed in pending claims 2 through 5, 7 through 25, 35 and 36 relates to method and devices for discouraging and preventing theft of electronic devices or other property, and more particularly, to a method for operating an anti-theft device within an electronic apparatus and an anti-theft device operable within an electronic apparatus when stolen. (Specification, page 1, first paragraph).

In one embodiment of the present invention as claimed with respect to independent claim 35, an anti-theft device cooperatively operable with normal utilization circuits within an electronic apparatus is provided. (Specification, page 3, second paragraph). Specifically, the invention as presently claimed is an anti-theft device configured for enablingly coupling with normal utilization circuits and for entering a shut-off state and disabling operative power in response to receipt of a signal.. (Specification, page 9, second full paragraph; FIG. 2). The device includes a remote intelligent communication (RIC) unit configured for enablingly coupling with the normal utilization circuits with the RIC unit further including a control circuit for receiving and storing a unique identifier . (Specification, page 8, second paragraph). The anti-theft device further includes a shut-off unit configured for entering a shut-off state and disabling operative power in response to receipt of a shut-off command specific to the unique identifier. (Specification, page 10, first paragraph).

In another embodiment of the present invention as claimed with respect to independent claim 11, an anti-theft device for shutting off an operable electronic apparatus subsequent to the electronic apparatus being stolen from its owner is provided. (Specification, page 3, second paragraph). Specifically, the invention as presently claimed is an anti-theft device including a communication unit incorporated within the casing of an electronic apparatus and includes a memory configured to receive and store therein a unique identifier of a specific one of the electronic apparatus. (Specification, page 8, second paragraph). The anti-theft device further includes a control circuit for determining whether a received signal designates the unique identifier and includes a shut-off command for placing the electronic apparatus in a shut-off state by blocking the flow of electricity from a power source. (Specification, page 9, second paragraph).

In a further embodiment of the present invention as claimed with respect to independent claim 36, a method is provided for operating an anti-theft device cooperatively operable with normal utilization circuits within an electronic apparatus. (Specification, page 12, third paragraph). The method includes coupling the anti-theft device to normal utilization circuits within an electronic apparatus and inputting into a memory in the anti-theft device at a point of sale a unique identifier of a specific one of the electronic apparatus. (Specification, page 12, third paragraph). The method further includes evaluating a received signal at the anti-theft device and entering a shut-off state and disabling operative power via a shut-off signal to the normal utilization circuits in response to receipt of a signal having therein a shut-off command designating the unique identifier stored in the memory. (Specification, page 13, third paragraph).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(1) Whether claims 2 through 5, 7 through 25, 35, and 36 are patentable under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(2) Whether claims 2 through 5, 7 through 15, 19, 20, 35 and 36 are patentable under 35 U.S.C. § 103(a) over Isikoff (U.S. Patent No. 5,748,084) in view of Bishop (U.S. Patent No. 6,664,888) and further in view of either Sharpe (U.S. Patent No. 6,094,146) or Chan (U.S. Patent No. 5,850,445).

(3) Whether claims 16 and 17 are patentable under 35 U.S.C. § 103(a) over Isikoff (U.S. Patent No. 5,748,084) in view of Bishop (U.S. Patent No. 6,664,888) and further in view of either Sharpe (U.S. Patent No. 6,094,146) or Chan (U.S. Patent No. 5,850,445) as discussed above regarding claims 11 and 15 and yet further in view of Sheffer (U.S. Patent No. 5,515,419).

(4) Whether claim 18 is patentable under 35 U.S.C. § 103(a) over Isikoff (U.S. Patent No. 5,748,084) in view of Bishop (U.S. Patent No. 6,664,888) and further in view of either Sharpe (U.S. Patent No. 6,094,146) or Chan (U.S. Patent No. 5,850,445) and yet further in view of Glenn (U.S. Patent No. 5,406,261).

(7) ARGUMENT

A. Authorities Relied Upon

35 U.S.C. § 112, First Paragraph

The written description requirement requires that the description place in possession of the public what the applicant considers to be the invention for which a patent is being sought. The M.P.E.P. § 2173.05(e) provides:

> There is no requirement that the words in [a] claim must match those used in [a] specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

Furthermore, in *Staehelin v. Secher*, the Board held that "[s]atisfaction of the 'written description' requirement does not require an *haec verba* antecedence in the originally filed application." (24 USPQ2d 1513, 1519 (B.P.A.I. 1992)). In *Ex parte Parks*, the Board further elaborated:

> Adequate description under the first paragraph of 35 U.S.C. 112 does not require *literal* support for the claimed invention. . . . Rather, it is sufficient if the [] disclosure would have conveyed to one having ordinary skill in the art that an appellant had possession of the concept of what is claimed. (30 USPQ2d 1234, 1236 (B.P.A.I. 1994).

35 U.S.C. § 103

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation

of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is improper to combine references where the references teach away from their combination. MPEP § 2145 (citing *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)).

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert.denied*, 469 U.S. 851 (1984).

The Federal Circuit has repeatedly cautioned against employing hindsight by using the applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teaching of the prior art. *See, e.g., Grain Processing Corp. v. American-Maize Prods. Co.*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988).

B. Summary of Cited Prior Art

Isikoff (U.S. Patent No. 5,748,084) teaches or suggests an "object tracking, communication, and management system for a laptop computer or similar device, wherein a beacon or transceiver in the computer implements file integrity or device recovery steps." (Isikoff Abstract). When the receiving pager in the laptop receives a signal, it compares the beacon ID number to the received address and/or any additional message designating a "stolen" state of the laptop. (Isikoff, col. 10, lines 5-10). If the laptop is designated as "stolen", then a transmitter may be activated to broadcast the ID number stored in ROM. (Isikoff, col. 10, lines 13-15).

Bishop (U.S. Patent No. 6,664,888) teaches or suggests an "apparatus and method designed for use with a vehicle that remotely activates an audio warning device prior to disabling the ability for the driver to start the vehicle." (Bishop Abstract). The digital radio receivers decode the transmissions from the in-vehicle transmitter to decide whether to open or close their respective relays, thus disabling or enabling certain devices or functions in the vehicle. (Bishop Abstract).

Sharpe (U.S. Patent No. 6,094,146) teaches or suggests a paging system for receiving paging requests and formatting the addresses and messages in accordance with the protocol being used. (Sharpe, col. 3, lines 5-8). The paging protocol is a high speed protocol which includes a programmed receiver identity code RIC [not to be confused with Appellant's Remote Intelligent Communication RIC unit] programmed into the pager. (Sharpe, col. 3, lines 17-38).

Chan (U.S. Patent No. 5,850,445) teaches or suggests a system and method for enabling sensitive authentication information to be under the control of the service provider and transmitting only non-sensitive authentication information to the authentication center. (Chan, col. 3, line 66 through col. 4, line 8). A mobile station is more secure if at least some sensitive authentication data is not preprogrammed into the mobile station and if a clerk at a point-of-sale terminal does not have access to the sensitive authentication information when the mobile station is being programmed. (Chan, col. 7, lines 58-66).

Sheffer (U.S. Patent No. 5,515,419) teaches or suggests a tracking system making use of the existing nationwide cellular telephone system. (Sheffer, col. 5, lines 7-17). Alarm signals emitted from the unit being tracked are transmitted to the closest adjacent cell site and relayed from there over conventional telephone lines to a control center. (Sheffer, col. 5, lines 19-24).

Glenn (U.S. Patent No. 5,406,261) teaches or suggests protecting computer systems from theft and unauthorized use by utilizing a coded access key that may be a remote control means that can be carried in the pocket or purse of an authorized computer user. (Glenn, col. 2, lines 15-64).

C. Arguments for Patentability of Claims 2 through 5, 7 through 25 and 35 and 36

Claims 2 through 5, 7 through 25 and 35 and 36 are patentable because Appellant's specification describes in such a way as to reasonably convey to one skilled in the relevant art that the inventor was, at the time the application was filed, in possession of the invention as claimed.

The Final Office Action stated:

> Support could not be found for having ***a memory in the RIC*** that includes means for ***inputting the unique identifier into the memory at a point of sale***. (Final Office Action, p. 2; emphasis added).

Appellant respectfully disagrees that the amendments to the claims made in previous amendments to the claims in a prior Response to Office Action do not comply with the written description requirement of 35 U.S.C. §112, first paragraph.

M.P.E.P. § 2173.05(e) provides:

> There is no requirement that the words in [a] claim must match those used in [a] specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

Furthermore, in *Staehelin v. Secher*, the Board held that "[s]atisfaction of the 'written description' requirement does not require an *haec verba* antecedence in the originally filed application." (24 USPQ2d 1513, 1519 (B.P.A.I. 1992)). In *Ex parte Parks*, the Board further elaborated:

> Adequate description under the first paragraph of 35 U.S.C. 112 does not require *literal* support for the claimed invention. . . . Rather, it is sufficient if the [] disclosure would have conveyed to one having ordinary skill in the art that an appellant had possession of the concept of what is claimed. (30 USPQ2d 1234, 1236 (B.P.A.I. 1994).

Appellant respectfully directs the Board's attention to several passages within Appellant's application as originally filed, which provide an adequate basis for the language in question. Specifically, Appellant's as-filed application includes the following passages in support of the exemplary claim languages of "a memory in the RIC" and "inputting the unique identifier into the memory at a point of sale", specifically:

Figure 4 illustrates the step T100 describing "Manufacture Device With Anti-Theft Assy" followed by step T101 describing "Input Specific Data At Point Of Sale."

Figure 2 illustrates an RIC including a Memory 95 and I/O 97 coupled to an Input Device 11.

Page 12, Last Paragraph recites and describes, "At the retail level, for example, data relating to the electronic apparatus may be input via the input device 11 (T101) and is stored in the memory 95 via the I/O port 97. The input data should include at least a unique product identifier such as a serial number. Additional information such as authorized user information, purchase information, reset authorization security codes and the like may also be entered at this time."

Page 9, First Whole Paragraph recites and describes, "The input device may be, for example, a keypad or other input device provided on the electronic device itself. Alternatively, the input device may be an input terminal or connector which permits the device to receive input signals from another device such as a personal computer. Utilizing an input connector as the input device may be preferable in most consumer electronic devices to help minimize the size of the product and to reduce manufacturing costs."

Page 8, Last Paragraph recites and describes, "The RIC unit 9 preferably includes . . . a memory device 95, and a digital serial I/O port 97."

Page 8, First Paragraph recites and describes, "including unique identifying information such as a serial number. Other information specific to the property, such as purchase date and location, . . . could be entered as well if such information was

previously stored in memory of the stolen property."

Page 10, Second Paragraph recites and describes, "the microcontroller 93 can maintain the transistor 21 in the OFF state until an appropriate security code or other information . . . (such as purchase date, location, etc.) is entered by way of input device 11. The microcontroller compares the input date to stored data to verify the information . . .."

Page 14, Last Paragraph recites and describes, "The microcontroller 93 compares the input information with the information stored in the memory unit 95."

From Appellant's written description in Appellant's as-filed patent application, it is apparent that Appellant, at the time of invention, was in possession of the exemplary concept of "the ***RIC unit, including:. . . a memory configured to receive and store therein a unique identifier of a specific one of the electronic apparatus;*** [and] ***means for inputting the unique identifier into the memory at a point of sale***" as illustrated by the various claims at issue.

Accordingly, it is respectfully submitted that claims 2 through 5, 7 through 25, 35 and 36 comply with the written description requirement of 35 U.S.C. § 112, first paragraph, and Appellant respectfully requests that the 35 U.S.C. § 112, first paragraph, rejection of these claims be withdrawn.

D. Arguments for Patentability of Claims 2 through 5, 7 through 15, 19, 20, 35 and 36

Claims 2 through 5, 7 through 15, 19, 20, 35 and 36 are patentable because the cited references do not teach or suggest all of the claim limitations.

The 35 U.S.C. § 103(a) obviousness rejections of claims 2 through 5, 7 through 15, 19, 20, 35 and 36 are improper because elements for a *prima facie* case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

Appellant submits that any proposed combination of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference does not and cannot establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the presently claimed invention of independent claim 35, as well as claims 2 through 5 depending therefrom because, at the very least, the cited prior art does not teach or suggest all the claim limitations of the presently claimed invention as set forth hereinabove. Appellant submits that any proposed combination of the Isokoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference does not teach or suggest the claim limitations calling for:

> 35. An anti-theft device cooperatively operable with normal utilization circuits within an electronic apparatus, comprising:
>
> a remote intelligent communication (RIC) unit configured for ***enablingly coupling with the normal utilization circuits***, the RIC unit, including:
>
> a control circuit including:
>
> a memory configured to receive and store therein a unique identifier of a specific one of the electronic apparatus;
>
> ***means for inputting the unique identifier into the memory at a point of sale***; and
>
> a transceiver configured to at least receive a signal;

and

a shut-off unit configured for ***entering a shut-off state*** and disabling operative power via a shut-off signal to the normal utilization circuits ***in response to receipt of the signal*** via the transceiver of a shut-off command ***designating the unique identifier*** stored in the RIC unit. (Emphasis added.)

The Isikoff reference teaches or suggests "object tracking, communication, and management system for a laptop computer or similar device, wherein a beacon or transceiver in the computer implements file integrity or device recovery steps." (Isikoff Abstract).

The Bishop reference teaches or suggests an "apparatus and method designed for use with a vehicle that remotely activates an audio warning device prior to disabling the ability for the driver to start the vehicle." (Bishop Abstract).

Regarding the newly cited Sharpe and Chan references, the Final Office Action states: both Sharpe and Chan teach programming security identity codes into electronic communication devices at the point of sale." (Final Office Action, p. 4; emphasis added). Appellant respectfully directs the Board's attention to the specific teachings and suggestions of the Sharpe and Chan references.

Regarding the specific teachings and suggestion of the Sharpe reference, the Sharpe reference is drawn to a method for transmitting messages in a communication system. The Final Office Action cites to the "Receiver Identity Code" RIC which is a code that is programmed into devices, for example pagers, to allow the device to sort through all of the messages that are broadcast and then compare the addresses in the broadcast messages with the stored RIC. When a match with a message addressee corresponds to the stored RIC of the device, then the device displays the content of that message for the user to perceive. In an unprogrammed state, the device as taught or suggested in the Sharpe reference is not disabled but rather ignores the broadcast messages.

Similarly regarding the specific teachings and suggestions of the Chan reference, the Chan reference is drawn to activation of an authentication process in a device. Specifically the

Chan reference teaches or suggests, "It is preferable that an MS 102 be programmed (or re-programmed) with sensitive authentication information at the point of sale of the MS 102. This will enable the MS to be quickly activated with the authentication feature." (Col. 7, lines 63-67). Similarly, the Chan device in an unprogrammed state, is not disabled nor is the programming information (e.g., unique identifier) directly related to the enablement and disablement of the normal utilization circuits of the device, as claimed by Appellant.

Appellant respectfully asserts that none of the cited prior art references, either individually or in any proper combination, teach or suggest the claim limitations of Appellant's invention as claimed in independent claim 35, namely, "An anti-theft device cooperatively operable with normal utilization circuits within an electronic apparatus, comprising: a remote intelligent communication (RIC) unit configured for ***enablingly coupling with the normal utilization circuits***, the RIC unit, including: a control circuit including: a memory configured to receive and store therein a unique identifier of a specific one of the electronic apparatus; ***means for inputting the unique identifier into the memory at a point of sale***; and a transceiver configured to at least receive a signal; and a shut-off unit configured for ***entering a shut-off state and disabling operative power via a shut-off signal to the normal utilization circuits in response to receipt of the signal*** via the transceiver of a shut-off command ***designating the unique identifier*** stored in the RIC unit." (Emphasis added.)

Appellant submits that any rejection of the presently claimed invention based upon any combination of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference under 35 U.S.C. § 103 would be a hindsight reconstruction of the presently claimed invention based solely upon the Appellant's disclosure. Such a rejection is neither within the ambit nor the purview of 35 U.S.C. § 103 and, clearly, improper.

As evidence that any rejection of the presently claimed invention based upon the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference is a hindsight reconstruction of the presently claimed invention, Appellant

submits that since (i) the Isikoff reference is directed to locally tracking a stolen computer broadcasting a beacon signal; (ii) the Bishop reference is directed to notification of the forthcoming disablement of a stolen automobile; (iii) the Sharpe reference is directed to supplying a pager with an address for comparatively identifying pertinent messages from a plethora of broadcast messages; and (iv) the Chan reference is directed to providing a portion of the authentication code for augmenting security in a network, there is no suggestion or teaching whatsoever in the cited prior art for any modification thereof to yield the presently claimed invention but, solely, Appellant's own disclosure.

Therefore, Appellant's claim 35 and claims 2-5 depending therefrom are clearly allowable over the cited prior art of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference.

Regarding independent claim 36 and claims 7-10 depending therefrom, Appellant submits that independent claim 36 includes similar limitations in method form. Appellant sustains the above-proffered arguments as to the lack of teaching and suggestion in the cited prior art references. Appellant submits that any proposed combination of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference, does not and cannot establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the presently claimed invention of independent claim 36, as well as claims 7 through 10 depending therefrom because, at the very least, the cited prior art does not teach or suggest all the claim limitations of the presently claimed invention as set forth hereinabove. Appellant submits that any proposed combination of the Isokoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference, does not teach or suggest the claim limitations calling for:

> 36. A method of operating an anti-theft device cooperatively operable with normal utilization circuits within an electronic apparatus, the anti-theft device including a remote intelligent communication (RIC) unit and a shut-off unit, the method comprising:
>
> coupling the anti-theft device to normal utilization circuits within an electronic apparatus;
>
> ***inputting into a memory in the anti-theft device at a point of sale a unique***

> ***identifier of a specific one of the electronic apparatus***;
> evaluating a received signal at the anti-theft device; and
> entering a shut-off state and disabling operative power via a shut-off signal to the normal utilization circuits in response to receipt of the signal having therein a shut-off command designating the unique identifier stored in the memory. (Emphasis added.)

Therefore, Appellant's claim 36 and claims 7-10 depending therefrom are clearly allowable over the cited prior art of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or the Chan reference

Regarding claims 11-15, 19 and 20 (and presumably claims 21-25 not otherwise rejected in the Final Office Action), Appellant submits that any proposed combination of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or Chan reference, does not and cannot establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding independent claim 11 from which claims 12-15 and 19-25 at least indirectly depend because, at the very least, the cited prior art does not teach or suggest all the claim limitations of the presently claimed invention as set forth hereinabove. Appellant sustains the above-proffered arguments as to the lack of teaching and suggestion in the cited prior art references. Appellant submits that any proposed combination of the Isokoff reference in view of the Bishop reference and in further view of either the Sharpe reference or the Chan reference does not teach or suggest the claim limitations calling for:

> 11. An anti-theft device for shutting off an operable electronic apparatus subsequent to the electronic apparatus being stolen from its owner, the anti-theft device comprising:
> a communication unit incorporated within the casing of the electronic apparatus and comprising:
> ***a memory configured to receive and store therein unique identifier stored data of a specific one of the electronic apparatus;***
> ***means for inputting the unique identifier stored data into the memory at a point of sale***;
> a receiver for receiving a signal transmitted from an interrogator, and
> a control circuit that is coupled to the receiver for determining whether the

> received signal designates the unique identifier stored data of the anti-theft device and, if so, for determining whether the signal includes an electronic apparatus shut-off command generated by the interrogator in response to a notification from the owner that the electronic apparatus has been stolen, and, if so, for producing a shut-off signal, and a power blocking circuit responsive to the shut-off signal for placing the electronic apparatus in a shut-off state by blocking the flow of electricity from a power source of the electronic apparatus to normal utilization circuitry of the electronic apparatus. (Emphasis added.)

Therefore, Appellant's claims 11-15 and 19-25 are clearly allowable over the cited prior art of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or Chan reference. Accordingly, Appellant respectfully requests the rejections of claims 11-15 and 19-25 be withdrawn.

E. Arguments for Patentability of Claims 16 and 17

Claims 16 and 17 are patentable because the cited references do not teach or suggest all of the claim limitations.

The 35 U.S.C. § 103(a) obviousness rejections of claims 16 and 17 are improper because elements for a *prima facie* case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

Regarding claims 16 and 17 depending at least indirectly from independent claim 11, Appellant submits that any proposed combination of the Isikoff reference in view of the Bishop reference and further in view of either the Sharpe reference or Chan reference and yet further in view of the Sheffer reference does not and cannot establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding independent claim 11 from which claims 16 and 17 at least indirectly depend because, at the very least, the cited prior art does not teach or suggest all the claim limitations of the presently claimed invention as set forth hereinabove. Appellant sustains the above-proffered arguments regarding the lack of teaching and suggestion in the cited prior art references and submit that any proposed combination of the Isokoff reference in view of the Bishop reference and further in view of either the Sharpe reference or Chan reference and yet further in view of the Sheffer reference does not teach or suggest the claim limitations calling for:

> 11. An anti-theft device for shutting off an operable electronic apparatus subsequent to the electronic apparatus being stolen from its owner, the anti-theft device comprising:
>
> a communication unit incorporated within the casing of the electronic apparatus and comprising:
>
> ***a memory configured to receive and store therein unique identifier stored data of a specific one of the electronic apparatus;***
>
> ***means for inputting the unique identifier stored data into the memory at a point of sale***;
>
> a receiver for receiving a signal transmitted from an interrogator, and
>
> a control circuit that is coupled to the receiver for determining whether the received signal designates the unique identifier stored data of the anti-theft device

> and, if so, for determining whether the signal includes an electronic apparatus shut-off command generated by the interrogator in response to a notification from the owner that the electronic apparatus has been stolen, and, if so, for producing a shut-off signal, and a power blocking circuit responsive to the shut-off signal for placing the electronic apparatus in a shut-off state by blocking the flow of electricity from a power source of the electronic apparatus to normal utilization circuitry of the electronic apparatus. (Emphasis added.)

Therefore, Appellant respectfully requests the rejection of claims 16 and 17 be withdrawn.

F. Arguments for Patentability of Claim 18

Claim 18 is patentable because the cited references do not teach or suggest all of the claim limitations.

The 35 U.S.C. § 103(a) obviousness rejections of claim 18 is improper because elements for a *prima facie* case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

Regarding claim 18 depending from independent claim 11, Appellant submits that any proposed combination of the Isikoff reference in view of the Bishop reference and further in view of the Sharpe reference and/or the Chan reference and yet further in view of the Glenn reference does not and cannot establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding presently amended independent claim 11 from which claim 18 depends because, at the very least, the cited prior art does not teach or suggest all the claim limitations of the presently claimed invention as set forth hereinabove. Appellant sustains the above-proffered arguments regarding the lack of teaching or suggestion in the prior art and submit that any proposed combination of the Isokoff reference in view of the Bishop reference and further in view of either the Sharpe reference or Chan reference, and yet further in view of the Glenn reference does not teach or suggest the claim limitations calling for:

> 11. An anti-theft device for shutting off an operable electronic apparatus subsequent to the electronic apparatus being stolen from its owner, the anti-theft device comprising:
>
> a communication unit incorporated within the casing of the electronic apparatus and comprising:
>
> ***a memory configured to receive and store therein unique identifier stored data of a specific one of the electronic apparatus;***
>
> ***means for inputting the unique identifier stored data into the memory at a point of sale;***
>
> a receiver for receiving a signal transmitted from an interrogator, and
>
> a control circuit that is coupled to the receiver for determining whether the received signal designates the unique identifier stored data of the anti-theft device

> and, if so, for determining whether the signal includes an electronic apparatus shut-off command generated by the interrogator in response to a notification from the owner that the electronic apparatus has been stolen, and, if so, for producing a shut-off signal, and a power blocking circuit responsive to the shut-off signal for placing the electronic apparatus in a shut-off state by blocking the flow of electricity from a power source of the electronic apparatus to normal utilization circuitry of the electronic apparatus. (Emphasis added.)

Therefore, Appellant respectfully requests the rejection of claim 18 be withdrawn.

(8) CLAIMS APPENDIX

LISTING OF PENDING CLAIMS:

1. (Cancelled).

2. (Previously Presented) The anti-theft device as claimed in claim 35, wherein the control circuit of the RIC unit communicates with a memory and an input device, the memory storing data relating to the electronic apparatus, wherein said control circuit maintains the shut-off unit in the shut-off state until predetermined data corresponding to the electronic apparatus data is entered by way of the input device.

3. (Previously Presented) The anti-theft device as claimed in claim 35, wherein the control circuit of the RIC unit comprises part of a coded reset device, the shut-off unit remaining in the shut-off state until a predetermined code is input to the reset device.

4. (Previously Presented) The anti-theft device as claimed in claim 35, further comprising a message activating unit communicating with the RIC unit, the message activating unit activating a message in accordance with the shut-off signal.

5. (Previously Presented) The anti-theft device as claimed in claim 35, wherein the shut-off unit comprises a fusible link.

6. (Cancelled).

7. (Previously Presented) A method according to claim 36, the method further comprising maintaining the shut-off unit in a shut-off state until predetermined data corresponding to

the unique identifier is entered via an input device coupled to the RIC unit.

8. (Previously Presented) A method according to claim 36, wherein the control circuit of the RIC unit comprises part of a coded reset device, the method further comprising maintaining the shut-off unit in a shut-off state until a predetermined code is input to a reset device of the RIC unit.

9. (Previously Presented) The method according to claim 36, wherein the anti-theft device further includes a message activating unit, the method further comprising activating a message in accordance with the shut-off signal.

10. (Previously Presented) The method according to claim 36, wherein the shut-off unit further includes a fusible link.

11. (Previously Presented) An anti-theft device for shutting off an operable electronic apparatus subsequent to the electronic apparatus being stolen from its owner, the anti-theft device comprising:

a communication unit incorporated within the casing of the electronic apparatus and comprising:

a memory configured to receive and store therein unique identifier stored data of a specific one of the electronic apparatus;

means for inputting the unique identifier stored data into the memory at a point of sale;

a receiver for receiving a signal transmitted from an interrogator, and

a control circuit that is coupled to the receiver for determining whether the received signal designates the unique identifier stored data of the anti-theft device and, if so, for determining whether the signal includes an electronic apparatus shut-off command

generated by the interrogator in response to a notification from the owner that the electronic apparatus has been stolen, and, if so, for producing a shut-off signal, and a power blocking circuit responsive to the shut-off signal for placing the electronic apparatus in a shut-off state by blocking the flow of electricity from a power source of the electronic apparatus to normal utilization circuitry of the electronic apparatus.

12. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the communication unit further comprises a transmitter and the control circuit also produces a return signal that is transmitted to the interrogator via the transmitter to provide tracking data for the electronic apparatus.

13. (Previously Presented) The anti-theft device as claimed in claim 12, wherein the tracking data comprises location coordinates derived from a global positioning system satellite.

14. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the communication circuit further comprises a transmitter and the control circuit also produces a return signal that is transmitted to the interrogator via the transmitter to acknowledge receipt of the signal including the electronic apparatus shut-off command.

15. (Previously Presented) The anti-theft device as claimed in claim 11,

wherein the control circuit compares input data supplied to the anti-theft device with the unique identifier stored data stored in the memory to authenticate the input data, and

wherein the electronic apparatus remains in the shut-off state until the input data is authenticated.

16. (Previously Presented) The anti-theft device as claimed in claim 15, wherein the unique identifier stored data comprises purchase data.

17. (Previously Presented) The anti-theft device as claimed in claim 15, wherein the unique identifier stored data comprises purchaser data.

18. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the power blocking circuit comprises a transistor having a current path connected between the power source of the electronic apparatus and the normal utilization circuitry of the electronic apparatus, and a control terminal supplied with the shut-off signal.

19. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the power blocking circuit comprises:

first and second parallel current paths, one end of each of the first and second current paths being connected to a power source of the electronic apparatus;

a fuse having a first end coupled to the other end of each of the first and second current paths and a second terminal coupled to the normal utilization circuitry of the electronic apparatus;

a first transistor having a current path connected between the second terminal of the fuse and a power supply potential, and a control terminal supplied with the shut-off signal,

wherein, in the shut-off state, current flows through a current path including the first transistor with a magnitude sufficient to blow the fuse.

20. (Previously Presented) The anti-theft device as claimed in claim 19, wherein the first current path comprises a second transistor and the second current path comprises a resistor.

21. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the signal is transmitted from the interrogator via a satellite link.

22. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the

signal is transmitted from the interrogator via a cellular telephone link.

23. (Previously Presented) The anti-theft device according to claim 11, wherein the electronic apparatus is a consumer electronic device.

24. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the power blocking circuit is included within a packaged integrated circuit chip including other circuitry used by the normal utilization circuitry of the electronic apparatus.

25. (Previously Presented) The anti-theft device as claimed in claim 11, wherein the communication unit further comprises a programmable timer for periodically waking up the communication unit from an idle mode to activate the receiver to receive the signal transmitted from the interrogator.

26-34 (Canceled).

35. (Previously Presented) An anti-theft device cooperatively operable with normal utilization circuits within an electronic apparatus, comprising:

a remote intelligent communication (RIC) unit configured for enablingly coupling with the normal utilization circuits, the RIC unit, including:

a control circuit including:

a memory configured to receive and store therein a unique identifier of a specific one of the electronic apparatus;

means for inputting the unique identifier into the memory at a point of sale; and

a transceiver configured to at least receive a signal; and

a shut-off unit configured for entering a shut-off state and disabling operative power via a shut-off signal to the normal utilization circuits in response to receipt of the signal via the transceiver of a shut-off command designating the unique identifier stored in the RIC unit.

36. (Previously Presented) A method of operating an anti-theft device cooperatively operable with normal utilization circuits within an electronic apparatus, the anti-theft device including a remote intelligent communication (RIC) unit and a shut-off unit, the method comprising:

coupling the anti-theft device to normal utilization circuits within an electronic apparatus;

inputting into a memory in the anti-theft device at a point of sale a unique identifier of a specific one of the electronic apparatus;

evaluating a received signal at the anti-theft device; and

entering a shut-off state and disabling operative power via a shut-off signal to the normal utilization circuits in response to receipt of the signal having therein a shut-off command designating the unique identifier stored in the memory.

(9) EVIDENCE APPENDIX

NONE

(10) RELATED PROCEEDINGS APPENDIX

NONE

CONCLUSION

Appellant respectfully requests the reversal of the rejections of currently pending claims 2 through 5, 7 through 25, 35 and 36 for the reasons set forth above.

Respectfully submitted,

Kevin K. Johanson
Registration No. 38,506
Attorney for Appellant
TRASKBRITT, PC
Salt Lake City, Utah 84110-2550
Telephone: (801) 532-1922

Date: December 5, 2005